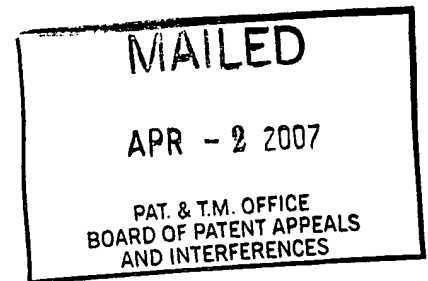1 RECORD OF ORAL HEARING
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3 UNITED STATES PATENT AND TRADEMARK OFFICE
4 _____
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6 BEFORE THE BOARD OF PATENT APPEALS
7 AND INTERFERENCES
8 _____
9
10 Ex parte NOBUYUKI NEMOTO, TARO ASAO,
11 KAZUO TANAKA, and HORACHI KAZUNORI
12 _____
13
14 Appeal 2007-0396
15 Application 10/078,488
16 Technology Center 2600
17 _____
18
19 Oral Hearing Held: March 8, 2007
20 _____
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22
23 Before KENNETH W. HAIRSTON, MAHSHID D. SAADAT, and
24 JEAN R. HOMERE, Administrative Patent Judges.
25
26 ON BEHALF OF THE APPELLANTS:
27
28   J. RANDALL BECKERS
29   Staas & Halsey LLP
30   Suite 700
31   1201 New York Avenue, NW
32   Washington, DC 20005
33
34   The above-entitled matter came on for hearing on Thursday, March 8,
35 2007, commencing at 9:00 a.m., at The U.S. Patent and Trademark Office,
36 600 Dulany Street, Alexandria, Virginia, before Nick Guarino, Notary
37 Public.

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APR - 2 2007

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

1   MS. BEAN: Calendar Number 6. Mr. Beckers.

2   MR. BECKERS: Good morning.

3   JUDGE HAIRSTON: Good morning.

4   MR. BECKERS: Thank you for taking the time to hear me.

5   JUDGE HAIRSTON: No problem.

6   MR. BECKERS: Before I get started, I wanted to say that, when I

7 was going back over the reply brief, I detected an error in -- on one of the

8 pages, in the paragraphs. I calculated a DB to give you an example of the

9 attenuation.

10   JUDGE HAIRSTON: Um-hum.

11   MR. BECKERS: And my math skills at this point in my career are

12 little bit rusty. And I have a correction page --

13   JUDGE HAIRSTON: Okay.

14   MR. BECKERS: -- that corrects that. I don't exactly know how to

15 file that, but should I send a letter?

16   JUDGE HAIRSTON: Yes, I think, probably.

17   MR. BECKERS: I mean, it doesn't affect the basic premise of what it

18 is that we're trying to do. It's a typo and --

19   JUDGE HAIRSTON: Okay. You probably should send in a separate

20 communication, yes.

21   MR. BECKERS: Okay. There's a typo and -- essentially divided by

22 zero in my example.

23   JUDGE HAIRSTON: Okay.

24   MR. BECKERS: So I'm a little embarrassed by that and --

25   JUDGE HAIRSTON: Yeah.

26

1   MR. BECKERS: -- wanted to let you know about that. And I'll send

2   it in by a separate paper.

3   JUDGE HAIRSTON: Okay.

4   MR. BECKERS: With respect -- we have two issues before us today.

5   The first issue is the 112 Paragraph 2 rejection. I think that the argument

6   that we provided in the reply brief is sufficient to deal with that. I didn't

7   want to -- I don't have any particular comments about that. I think that

8   Claim 40 is clear and I think I tried to explain that in the reply brief, and so

9   I'm essentially relying on the reply brief for that.

10   JUDGE HAIRSTON: Okay.

11   MR. BECKERS: The other issue is the rejection of the claims, Claim

12   3 and 8 over 40. That is the only remaining rejection in the case. And the

13   Ford reference is essentially about trying to manage power level, changing

14   the attenuation when things happen in the network. When the network is in

15   a normal operation, the power level is maintained at a reference level, which

16   means, as the power level fluctuates, the attenuation must change in that

17   situation. And that's part of the example that I made the error in when I gave

18   the example in the reply brief. And when something happens in that work,

19   such as a drop, a disconnection, the Ford maintains the power level at the

20   existing level, which again means that they must change the attenuation to

21   be able to maintain it an existing level.

22   I mentioned, as really encapsulized at the last paragraph of each of the

23   claims, Claims 3 and 8 -- essentially sets the attenuation, not the power

24   level, and we set the attenuation. When there's a disconnected signal, the

25   feedback circuit sets the attenuation amount of a variable attenuator,

26   assigned to the optical signal component, to a predetermined value once we

1 lock it in, and if you lock in the attenuation value as the power level

2 fluctuates, the power level on the outside, if the input fluctuates, the output's

3 going to fluctuate. We think that's very, very different from what's going on

4 in Ford.

5 And as a matter of fact, if you look at Ford and do a word search on

6 Ford using the word attenuation, it appears one time in the case. The word

7 attenuator appears a lot, because you have to adjust the attenuation of an

8 attenuator to be able to maintain a power level. But the word attenuation

9 appears one time and it happens to appear in Column 1 at about Line 46.

10 Okay. And so we believe that the Ford reference does not teach or suggest

11 or provide any motivation whatsoever for jumping to the conclusion that

12 attenuation -- setting an attenuation in the case of a disconnect to a

13 predetermined value is something to do when there's trouble on a network.

14 JUDGE HOMERE: Okay. So let's be clear here, counselor.

15 MR. BECKERS: Um-hum.

16 JUDGE HOMERE: It appears to us that your position is Ford is

17 compensating for a signal drop by setting the voltage -- the output voltage on

18 the attenuator at a predetermined amount, right?

19 MR. BECKERS: They essentially meant -- they talk about power

20 level.

21 JUDGE HOMERE: Yes. Where is --

22 MR. BECKERS: They talk about -- they set the output power level at

23 the existing level that it was at the time of the drop.

24 JUDGE HOMERE: Exactly. So they --

25 MR. BECKERS: Right.

26 JUDGE HOMERE: -- do have to keep it to maintain it constant.

1   MR. BECKERS: They want to maintain the power level constant.

2   JUDGE HOMERE: Constant.

3   MR. BECKERS: So as the -- as the input level fluctuates --

4   JUDGE HOMERE: Yeah. So we're referring to the output voltage

5   because we have no control over the current itself. So --

6   MR. BECKERS: Yeah, essentially the level -- the power level of the

7   light signal, that's right.

8   JUDGE HOMERE: Okay.

9   MR. BECKERS: Right.

10   JUDGE HOMERE: But whereas the invention itself is -- sets a

11   predetermined value for the attenuation.

12   MR. BECKERS: Right. And so if the input fluctuates, the output's

13   going to fluctuate.

14   JUDGE HOMERE: And technically --

15   MR. BECKERS: And that's essentially exactly the opposite of what

16   Ford is trying to do.

17   JUDGE HOMERE: Okay. And technically, on Page 7 of your appeal

18   brief --

19   MR. BECKERS: Right.

20   JUDGE HOMERE: -- you give a very nice illustration. You are J.

21   Randall Beckers, right?

22   MR. BECKERS: Right. That's correct.

23   JUDGE HOMERE: Okay. Yes, yes. You give an illustration

24   whereas this --

25   MR. BECKERS: Yes, that's --

26   JUDGE HOMERE: -- here can be represented --

5

1   MR. BECKERS: Yes.

2   JUDGE HOMERE: -- by Ohm's Law, right?

3   MR. BECKERS: Well, I think it can.

4   JUDGE HOMERE: Yeah, yeah.

5   MR. BECKERS: I think it's fair to do that.

6   JUDGE HOMERE: I mean --

7   MR. BECKERS: I think it's fair.

8   JUDGE HOMERE: -- which I think is somewhat -- you know,

9   somewhat reasonable.

10   MR. BECKERS: Right.

11   JUDGE HOMERE: Okay. So you're saying that, under your -- under

12   the invention, the Appellant's invention, right. So when you're looking at

13   Figure 6 --

14   MR. BECKERS: Of?

15   JUDGE HOMERE: Of the drawing.

16   MR. BECKERS: Of my drawings, yes. Okay.

17   JUDGE HOMERE: Your drawing.

18   MR. BECKERS: Yes.

19   JUDGE HOMERE: Okay. So that's -- we're looking Ohm's Law. So

20   the input, you'd have I coming in,

21   right --

22   MR. BECKERS: Right.

23   JUDGE HOMERE: -- for the variable attenuator, okay. So the

24   attenuator itself, you have R?

25   MR. BECKERS: R, that's right.

26   JUDGE HOMERE: Okay. And the output, you'd have V, right?

1   MR. BECKERS: Right, V.

2   JUDGE HOMERE: Okay. So V equals IR. Right.

3   MR. BECKERS: That's what I think.

4   JUDGE HOMERE: Okay. Yeah, yeah, that's -- that's established

5   here. Okay. So under this formula here, under the invention --

6   MR. BECKERS: Right.

7   JUDGE HOMERE: R would be a predetermined value.

8   MR. BECKERS: Yes. And that's what the claim says.

9   JUDGE HOMERE: Okay.

10   MR. BECKERS: The claim says R is a -- R is essentially a

11   predetermined value.

12   JUDGE HOMERE: A predetermined value, okay. And then I, we

13   have no control over I.

14   MR. BECKERS: That's exactly right.

15   JUDGE HOMERE: I is what it is. Okay. So you say by fixing I -- by

16   setting R to a predetermined

17   value --

18   MR. BECKERS: Right.

19   JUDGE HOMERE: -- we'd find V. Now tell me about V, the output

20   voltage. What is the objective, the overall objective of V here, as far as the

21   invention is concerned?

22   MR. BECKERS: Well, as far as the invention is concerned, they want

23   to be able to run a signal through this attenuator that can be detected on the

24   other side, on the downstream side.

25   JUDGE HOMERE: Okay.

26   MR. BECKERS: But it's not so strong as to destroy the next -- the

1 signal repeater further downstream.

2 JUDGE HOMERE: Okay.

3 MR. BECKERS: In other words, they don't want an impulse to pass

4 through this thing and blow up all of the --

5 JUDGE HOMERE: Okay.

6 MR. BECKERS: -- all of them downstream.

7 JUDGE HOMERE: So ultimately --

8 MR. BECKERS: And that's essentially what that Claim 4 says.

9 JUDGE HOMERE: That's true.

10 MR. BECKERS: That's right.

11 JUDGE HOMERE: And I agree with you, I agree with you. What

12 other -- I mean -- that's what the invention is doing. I'm not saying that,

13 well, that's what Claim 4 is actually doing.

14 MR. BECKERS: Right.

15 JUDGE HOMERE: Essentially, you need to argue --

16 MR. BECKERS: Right.

17 JUDGE HOMERE: -- what it's doing --

18 MR. BECKERS: Right.

19 JUDGE HOMERE: -- so I guess we'll address that.

20 MR. BECKERS: Right.

21 JUDGE HOMERE: But I would submit to you that Claim 4 is not

22 actually saying what you just said about, you know, that's how the

23 inventions operate -- but that's something else. Okay. So the overall

24 objective here is to set the voltage -- the output voltage, right --

25 MR. BECKERS: Right.

26

1   JUDGE HOMERE: -- to such a value that it can -- it's high enough so

2 it can be detected by the detector, right?

3   MR. BECKERS: Right.

4   JUDGE HOMERE: And it's not too high --

5   MR. BECKERS: Right.

6   JUDGE HOMERE: -- that it doesn't destroy the next circuit.

7   MR. BECKERS: That it destroys the -- yeah, destroys the next

8 circuit.

9   JUDGE HOMERE: Right. Okay.

10   MR. BECKERS: That's right.

11   JUDGE HOMERE: So ultimately, you want to come up with the

12 correct value for the voltage, right? The output voltage.

13   MR. BECKERS: Yes.

14   JUDGE HOMERE: Okay. Now let's turn to four.

15   MR. BECKERS: The better equation, though, is in the -- the better

16 equation for looking at that is probably in the reply brief where I stuck the

17 actual optical signal attenuation equation in the reply brief. It's essentially

18 the same equation.

19   JUDGE HOMERE: Yeah. Okay.

20   MR. BECKERS: Okay.

21   JUDGE HOMERE: Yeah. Well, let's use that example here. Okay.

22   MR. BECKERS: Okay.

23   JUDGE HOMERE: So let's turn to Ford now.

24   MR. BECKERS: To Ford, okay.

25   JUDGE HOMERE: Yeah. Ford states -- you have the same equation,

26 V equals IR.

1   MR. BECKERS: Right.

2   JUDGE HOMERE: Right? And Ford says that you want to maintain

3   V at its current level --

4   MR. BECKERS: Right.

5   JUDGE HOMERE: -- such that it does not destroy the next circuit.

6   MR. BECKERS: I don't think that's what they're trying to do. Okay,

7   they're not trying to not destroy the other circuit. What they're trying to do is

8   they got a system that is designed to keep the circuit from oscillating all of

9   the place, crazy.

10   JUDGE HOMERE: Okay. So let me rephrase --

11   MR. BECKERS: Okay.

12   JUDGE HOMERE: Let me rephrase that.

13   MR. BECKERS: And so they're not really trying to keep the circuit --

14   JUDGE HOMERE: Let me rephrase that.

15   MR. BECKERS: Okay.

16   JUDGE HOMERE: Let me rephrase that. Okay. So under Ford,

17   you're trying to maintain the voltage at its current value, at its current level,

18   such that the system is not going to be stable.

19   MR. BECKERS: Yes, that's what they say in Paragraph 2, at --

20   JUDGE HOMERE: -- stability. Okay.

21   MR. BECKERS: -- Line 5.

22   JUDGE HOMERE: Okay. But --

23   MR. BECKERS: I mean Column 2, Line 5.

24   JUDGE HOMERE: Okay.

25   MR. BECKERS: I'm sorry.

26

1   JUDGE HOMERE: So in order to do that, so we say that, you know,

2   this value, the voltage itself, is constant.

3   MR. BECKERS: Yes, I think that's correct.

4   JUDGE HOMERE: Therefore the current itself, as in the invention,

5   we have no control over, right?

6   MR. BECKERS: Right.

7   JUDGE HOMERE: Okay. So therefore -- so we set the voltage to a

8   constant value, such that -- stability, so R, you know, is going to vary.

9   MR. BECKERS: It has to change.

10   JUDGE HOMERE: Okay. So --

11   MR. BECKERS: And actually what they try to do is they don't really

12   try to change it immediately. It's not an immediate feedback system. They

13   try to do it with a little bit of phase delay so that they can kind of dampen the

14   oscillations in the system. So they have a little phase delay in the way that

15   they change it. So --

16   JUDGE HOMERE: Okay.

17   MR. BECKERS: -- they're trying to maintain it within a certain

18   range.

19   JUDGE HOMERE: Okay.

20   MR. BECKERS: They're trying keep this voltage within a certain

21   range.

22   JUDGE HOMERE: Okay.

23   MR. BECKERS: But they are targeting a reference level when the

24   system is active and they target the previous existing -- the existing level

25   when the -- when a disconnect -- drop -- they don't talk about disconnect,

26   they talk about a drop.

1   JUDGE HOMERE: Okay. So --

2   MR. BECKERS: But it has a little difference in it.

3   JUDGE HOMERE: -- it is your position here, counselor, that all the -

4 - in your -- in the invention, by the time you determine -- you set R to a

5 predetermined value in order to find a reference level or the optimum level

6 for the output voltage, okay. Whereas, in Ford you set the voltage to the

7 optimum value that you're looking for, okay, and you determine R. You're

8 saying that that's different?

9   MR. BECKERS: Oh, yeah, I think it's --

10   JUDGE HOMERE: Based on Ohm's Law. Because R --

11   MR. BECKERS: Yeah, I think that's different, yeah.

12   JUDGE HOMERE: -- R is technically defined as -- would be

13 described under this equation as V over I, right?

14   MR. BECKERS: Yes.

15   JUDGE HOMERE: Yes. Whereas, in your invention, you'd have --

16 how would you determine R? R is predetermined, right?

17   MR. BECKERS: Yeah, it's set --

18   JUDGE HOMERE: Okay.

19   MR. BECKERS: -- when V and R fluctuate.

20   JUDGE HOMERE: Okay. So you're still have V over I.

21   MR. BECKERS: Right.

22   JUDGE HOMERE: Now let's -- you have an example where you

23 actually -- you know, use values to illustrate this.

24   MR. BECKERS: Yeah. And that's where I made -- in the reply brief

25 I made a mistake in trying to --

26   JUDGE HOMERE: Yeah, but --

1   MR. BECKERS: -- do that, yeah.

2   JUDGE HOMERE: But you said that, for instance

3   -- let's say, for instance, the optimum value that we're looking for the

4   voltage, it's 10 volts.

5   MR. BECKERS: Okay.

6   JUDGE HOMERE: Ten volts, right? So you start off -- in four, you

7   start off with 10 volts, okay, and I -- let's say I -- well, you know, we went to

8   75. We have no control over I. I is one amp.

9   MR. BECKERS: Okay.

10   JUDGE HOMERE: Okay -- example.

11   MR. BECKERS: Right.

12   JUDGE HOMERE: Okay. So under Ford, R would be one ohm,

13 right?

14   MR. BECKERS: Four to one. Yeah, four times one is one. That's

15 right.

16   JUDGE HOMERE: Yes, yes. Okay. Yeah. Whereas, in yours, what

17 would R be? What would be the predetermined value for R?

18   MR. BECKERS: It would be a predetermined value.

19   JUDGE HOMERE: Yeah, but what would be that value?

20   MR. BECKERS: And it would -- and it would stay fixed.

21   JUDGE HOMERE: Under this equation here, using the number that

22 we're using, what would be the value for R? One ohm.

23   MR. BECKERS: Well, yeah, it would be one ohm.

24   JUDGE HOMERE: Yeah, exactly.

25   MR. BECKERS: But if the signal -- but in our situation, that

26 resistance doesn't change. Okay. So if we raise the --

1 JUDGE HOMERE: Oh, you've got to change --

2 MR. BECKERS: If we raise the current -- if we raise the current --

3 JUDGE HOMERE: -- for that particular --

4 MR. BECKERS: I'm sorry.

5 JUDGE HOMERE: -- value, it doesn't change for a particular value

6 of V, because for the optimum value of V, the resistance itself doesn't

7 change, because you want that value -- because you have to understand that

8 the output value is dependent upon the value of the resistance of the

9 attenuator, right?

10 MR. BECKERS: Right.

11 JUDGE HOMERE: Therefore, as V changes, the resistance is going

12 to change too. So that predetermined value is very dependent. I suggest to

13 you that the predetermined value or that value of the output is dependent

14 upon the value of the voltage -- the value of the resistance --

15 MR. BECKERS: But our resistance stays constant and their

16 resistance changes.

17 JUDGE HOMERE: Yeah, but it stays constant for that particular --

18 for that optimum value of the output voltage.

19 MR. BECKERS: For our situation, whatever that value of output

20 voltage is that's determined, our resistance always stays the same. And the

21 input current, if it fluctuates, the voltage on the output also fluctuates. In

22 Ford, it's exactly the opposite. As the input voltage -- as the input current

23 fluctuates, the output voltage stays the same and the resistance fluctuates.

24 JUDGE HOMERE: Yeah, but the output voltage itself, as we --

25 MR. BECKERS: But our invention is about --

26 JUDGE HOMERE: -- provided by that -- I mean, you have to look at

14

1   the equation. I mean -- you look at that equation, the voltage itself is

2   dependent upon the relationship of IR, right? So as the value -- you know,

3   as the value -- as the value changes, of course the voltage is going to be

4   different. Okay. So the optimum value of the voltage that you're looking for

5   is -- you know, it's one thing, because we don't have any control over R

6   because the circuit tells us what it is.

7   MR. BECKERS: But we don't look for an optimum value for the

8   voltage.

9   JUDGE HOMERE: No, but you're looking for that value that's not

10   going to destroy the next circuit.

11   MR. BECKERS: Yeah, but that's not necessarily an optimum value.

12   I mean, you know, in the context of what you're talking about, they try to

13   constrain that voltage to this very narrow range, okay?

14   JUDGE HOMERE: Okay.

15   MR. BECKERS: That voltage to this narrow -- very narrow range.

16   We don't try to constrain it at all. I mean, if perchance some gigantic,

17   hugely gigantic current flows into the system, enough to destroy the

18   downstream signal, a downstream relay, our system will pass it straight

19   through. We'll still destroy it and I mean, I think that's a big difference.

20   JUDGE HOMERE: Yours will destroy it?

21   MR. BECKERS: Yeah. Well, let me give you an example. Let's say

22   that the engineers think, okay, that if we could set the resistance at one ohm

23   in your example, that that would be enough to prevent downstream

24   destruction of a relay. Okay. And let's say they banked on that because they

25   think one amp is the maximum current that they're going to get. The

26   engineers are wrong, right?

1   JUDGE HOMERE: Um-hum.

2   MR. BECKERS: And I was wrong. I'm an engineer. I was wrong in

3   my equation. It just happens. Okay. And in that situation, if we got a

4   current that was 100 amps, 100 times our input value, it would be passed

5   straight through to 100 times the voltage in our situation and it would

6   destroy that downstream relay.

7   JUDGE HOMERE: So are you saying that this invention is not the

8   one where it's supposed to be --

9   MR. BECKERS: No, that's not what I'm saying.

10   JUDGE HOMERE: It's going to destroy the next circuit, but it's not --

11   MR. BECKERS: No, I'm saying it's designed not to. Now, we can't

12 always predict that all designs will work and in our situation, it would be

13 destroyed. In the situation where you operate under Ford, Ford would clamp

14 down on it because of the feedback relationship that they've got and

15 maintain that voltage low. Okay. And so in that situation, I think that we're

16 very different. Now, I didn't --

17   JUDGE HOMERE: Because, in your -- in that case, in the example

18 that you provided, the next circuit would be destroyed?

19   MR. BECKERS: It could be. I'm not saying it would. You know,

20 this is -- you know, you're asking me to speculate about an engineering

21 design that might be out there in the world.

22   JUDGE HOMERE: Well, you wrote this application. I mean, you

23 know better than I do how it operates, right?

24   MR. BECKERS: And I'm doing the best that I can.

25   JUDGE HOMERE: Of course. I understand that. In this particular

26 case that you presented, that next circuit would be destroyed?

1   MR. BECKERS: I'm saying if the design parameters of the system --

2   in a real-world implemented system were wrong, okay --

3   JUDGE HOMERE: Okay.

4   MR. BECKERS: -- then our system would --

5   JUDGE HOMERE: Because --

6   MR. BECKERS: If it stayed within the design -- if it stayed within

7   the design -- if it --

8   JUDGE HOMERE: Now remember what the inventions says. It's

9   supposed to compensate --

10   MR. BECKERS: Right.

11   JUDGE HOMERE: -- for a certain current. So you're saying that if

12   there's a certain current, and then you guys made a mistake, then that next

13   circuit, the circuit on the next -- will be destroyed?

14   MR. BECKERS: I'm saying that if it was

15   outside --

16   JUDGE HOMERE: On the --

17   MR. BECKERS: -- if it was outside -- what I'm saying is if it was

18   outside the design parameters of the implemented circuit, the way that it was

19   designed, it's possible.

20   JUDGE HOMERE: Okay.

21   MR. BECKERS: I'm not saying that it would.

22   JUDGE HOMERE: Sure.

23   MR. BECKERS: Okay. But I'm trying to give you -- I'm trying to

24   give you an example of where -- you know, you asked, what is the

25   fundamental difference? Well, the fundamental difference is because we set

26   this resistance at this set value, okay, and we do not try to control the output

1   voltage. Unexpected things can occur.

2   JUDGE HOMERE: Okay. Do you have anything else?

3   MR. BECKERS: Not officially. I did have a question for everyone.

4   JUDGE HAIRSTON: You have a question?

5   MR. BECKERS: Yeah, but it's not about this hearing. It's about

6   something else.

7   JUDGE HAIRSTON: Oh.

8   JUDGE HOMERE: I don't have --

9   JUDGE HAIRSTON: Do you have any other --

10 JUDGE SAADAT: I have a question. What limitation in the claim

11 do you think is most crucial to show that kind of output that you just

12 described, rather than --

13 MR. BECKERS: The output.

14 JUDGE SAADAT: -- keeping the output fixed? You said it

15 fluctuates with the input. Is that the variable attenuator?

16 MR. BECKERS: Well, with respect to Claim 3 and Claim 8, I think

17 it's the last clause. Now that last clause doesn't say anything about this result

18 or benefit that you were talking about and it doesn't really say anything

19 about how that voltage continues to fluctuate, but I think, under the laws of

20 physics, if we set that predetermined value -- that attenuation to a

21 predetermined value, physics sort of requires what I was talking about to

22 have to happen. And we didn't say anything directly about that in this claim.

23 JUDGE HAIRSTON: Okay. Thank you.

24 MR. BECKERS: Okay.

25 JUDGE HAIRSTON: You said you had a question?

26 MR. BECKERS: Yeah, I do. This morning I was on my way to here

1   and I ride the subway and there was some trouble on the Red Line and I

2   started getting really kind of worried that I was not going to make it here on

3   time. And I asked the clerk out there whether or not there was some way to

4   find out whether or not my order, in the arguments, so that if I had been last,

5   like I am today, I wouldn't have worried so much on the subway, and

6   apparently there's no way to do that.

7   JUDGE HAIRSTON: I'm not certain.

8   MR. BECKERS: Yeah. She says there's no way.

9   JUDGE HAIRSTON: You mean if you called us, whether you can

10   find out whether you're last.

11   MR. BECKERS: She said if you call you might find out, but it may

12   not be set at that point in time, or they may not tell you. And I was just

13   wondering if there was some system --

14   JUDGE HAIRSTON: If you have an emergency, I can't imagine, if

15   you explain your emergency, they'd -- if you called the office and tell us that

16   you're -- you have an emergency --

17   MR. BECKERS: I don't have a cell phone.

18   JUDGE HAIRSTON: Oh.

19   MR. BECKERS: So if I'd been stuck on the subway, that's the reason

20   I'm asking this question, I don't have a cell phone, so --

21   JUDGE HAIRSTON: No, what happens, if they call Calendar

22   Number 1 and if -- Calendar Number 4 and if you're not here, they'll just put

23   you last, automatically.

24   MR. BECKERS: Oh, okay, okay, okay, okay.

25   JUDGE HAIRSTON: Yeah, I wouldn't -- if you come in --

26   MR. BECKERS: Don't worry about it. Okay.

19

1   JUDGE HAIRSTON: Yeah.

2   MR. BECKERS: I didn't know how that worked and that's the reason

3 I wanted to ask about it.

4   JUDGE HAIRSTON: But you've got to get here before the panel

5 adjourns.

6   MR. BECKERS: Yeah, that's right, that's right. Of course.

7   JUDGE HAIRSTON: I misunderstood you.

8   MR. BECKERS: Yeah, of course.

9   JUDGE HAIRSTON: Yes, no problem, no problem at all.

10   MR. BECKERS: Okay. Thank you very much.

11   JUDGE HAIRSTON: Okay.

12   MR. BECKERS: Thank you for your time and have a nice day.

13   JUDGE HAIRSTON: Thank you.

14   MR. BECKERS: Stay warm.

15   JUDGE HAIRSTON: You do the same.

16   MR. BECKERS: Thank you.

17   (Whereupon, the proceedings concluded.)